

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
DECEMBER 18, 1968

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, December 18, 1968, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - BROWN, CULBERTSON, KIRSTEN, SCHAFER and HUNNELL (Mayor)  
Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen and Planning Director Schroeder.

PLEDGE Mayor Hunnell led the Pledge of Allegiance to the Flag.

MINUTES On motion of Councilman Schaffer, Brown second, the Minutes of December 4, 1968 were approved as written and mailed.

PUBLIC HEARINGS

AMEND ZONING City Manager Graves explained that the public hearing scheduled  
ORD TO ELIMINATE for this meeting to consider the elimination of the R-3 and R-4  
R-3 AND R-4 Multiple Family Districts from the Zoning Ordinance should either  
DISTRICTS be continued or the ordinance rejected because some parcels zoned  
R-3 and R-4 were overlooked when the entire City was rezoned.  
The Council then agreed to continue the public hearing thereon to  
the meeting of February 5, 1969 and requested the public hearing  
be readvertised.

PLANNING COMMISSION

APPEAL - V. MEYER RE At the meeting of December 4, 1968, the Council acknowledged  
MCDANIEL INDUSTRIAL an appeal from Victor Meyer regarding conditions established  
PARK by the City Planning Commission for the development of McDaniel  
Industrial Park and continued the matter to this meeting. Since  
the Council had not received an opinion from the City Attorney  
on the matter, the discussion was continued to the meeting of  
January 2, 1969.

AMEND ZONING Mayor Hunnell called for consideration of the proposed amendment  
ORD TO PROVIDE to the Zoning Ordinance to provide for three new Industrial  
INDUSTRIAL DIST. Districts which had been continued from the meeting of December 4,  
1968. Councilman Schaffer moved introduction of Ordinance No. 877  
amending the Zoning Ordinance to provide for C-M, Commercial-  
ORD. NO. 877 Light Industrial, M-1, Light Industrial and M-2, Heavy Industrial  
INTRODUCED Districts. The motion was seconded by Councilman Kirsten. Council-  
man Culbertson then said he felt the building height limitation  
should be the same for both the M-1, Light Industrial District and  
the C-M, Commercial-Light Industrial District. The Planning  
Commission had recommended a 60-foot limit for the M-1 District  
and a 70-foot limit for the C-M District. After discussion,  
Councilman Culbertson made a substitute motion introducing  
Ordinance No. 877 amending the Zoning Ordinance to provide for  
C-M, Commercial-Light Industrial, M-1, Light Industrial and M-2,  
Heavy Industrial Districts after changing the height limitation for  
the M-1 District to 70 feet to correspond with that of the C-M  
District. The motion was seconded by Councilman Schaffer and carried  
with Councilman Kirsten voting no.

The City Manager gave the following report of the City Planning  
Commission meeting of December 9, 1968:

REZONE 112 The City Planning Commission recommended a change in zoning for a  
WEST TOKAY parcel located at 112 West Tokay Street from the R-4, Multiple-  
Family Residential Institutional District to the R-2, Single-Family  
Residential District. On motion of Councilman Culbertson, Brown  
second, the matter was set for public hearing on January 2, 1969.

REZONE 515- The City Planning Commission recommended a change in zoning for  
723 WEST KETTLE- parcels located between 515-723 West Kettleman Lane from the R-3,  
MAN LANE Limited Multiple-Family Residential District to the R-MD, Medium

Minutes December 13, 1968, continued

Density Multiple-Family Residential District. On motion of Councilman Schaffer, Brown second, the matter was set for public hearing on January 2, 1969.

REZONE REAR OF  
950 S. FAIRMONT

The City Planning Commission recommended a change in zoning for a parcel to the rear of 950 South Fairmont Avenue from the R-3, Limited Multiple-Family Residential District to the R-1, Single Family Residential District. On motion of Councilman Culbertson, Kirsten second, the matter was set for public hearing on January 2, 1969.

BEACON OIL  
CO. REQUEST  
REZONING

The City Planning Commission recommended approval of the request of Beacon Oil Company for a change in zoning for a 25-foot parcel on the south side of East Elm Street adjacent to the existing commercial zoning along North Cherokee Lane from the R-4, Multiple-Family Residential Institutional District to the C-2, General-Commercial District. On motion of Councilman Brown, Schaffer second the City Council set the matter for public hearing on January 2, 1969.

ABANDON POR  
OF SUNSET DR.

The City Planning Commission also recommended that the unimproved portion of North Sunset Drive located north of West Locust Street between Lots 3, 4 and 5 of the Fairmont Park Subdivision be abandoned. The matter was referred to staff for further action.

OF INTEREST

Other actions of the City Planning Commission of interest to the City Council were reported as follows:

1. Denied the request of Taco Bell #465 by Federal Sign and Signal Corporation for a use permit to erect a flashing sign at 1000 West Lodi Avenue in an area zoned C-1.
2. Approved the request of Mr. Sam Bippus for a variance to add a bedroom to a nonconforming duplex at 521-523 Rimby Avenue in an area zoned R-2.
3. Denied the request of Mr. Louis Fugazi by Meyer and Baumbach, Consulting Engineers, for a change in zoning from the R-2, Single-Family Residential District to the R-MD, Medium Density Multiple-Family Residential District for Lots 1 to 5 of the Fairmont Park Subdivision.
4. Denied the request of Meyer and Baumbach, Consulting Engineers, for a change in zoning for the proposed Cherokee Gardens Subdivision from the R-1, Single-Family Residential District to the P-D, Planned Development District.

#### COMMUNICATIONS

ABC  
LICENSE

Notice was read of Application for Alcoholic Beverage License, Person to Person Transfer of Off-sale General, from Kenneth L. Dewalt to Harold Harris and Giuseppe O. Nepote, Ideal Bottle Shop, 412 West Lodi Avenue.

CAC  
REPORT

Mayor Hunnell stated he had received a report from the City's representative to the Community Action Council, Reverend William J. Killian, outlining the activities of the organization for the past few months. A copy of the report was given to each of the Councilmen.

#### REPORTS OF THE CITY MANAGER

1911 BOND  
ACT

The discussion of the use of the 1911 Bonding Act for subdivision improvements having been continued from the meeting of December 4, 1968, was brought up for a determination. The City Manager reported he had received a reply to his letter to Assemblyman John Knox requesting information on a proposed bill regarding the use of assessment bond for subdivision purposes. He stated the written reply had not furnished the information he desired and he had contacted Assemblyman Knox' office and discussed the matter

Minutes December 18, 1968 continued

with Mr. Thomas Willoughby. Mr. Willoughby indicated that Assemblyman Knox was concerned with some uses of the Bonding Acts for subdivisions and was advocating legislation for stricter regulations with regard to the Bond Acts.

Mr. Victor Meyer, 41 South Sacramento Street, spoke in favor of use of the bonds for subdivision improvements stating he felt the bonds would be useful during tight money situations. Mrs. Esther Lund, a local realtor, said she felt she would not like for Lodi to use the bonds at this time.

Councilman Schaffer stated he felt the disadvantages of the bonds would outweigh the advantages and was not in favor of their use for subdivisions at this time. Councilman Brown had previously voted in favor of the use of the bonds but stated he had changed his mind after discussing the matter with several other people. He felt it would make it more difficult for low income people to qualify for loans. Stating he felt the present City policy regarding use of the 1911 Act for subdivision should be reaffirmed, Councilman Culbertson moved the City Council not approve the use of the 1911 Bond Act for the purpose of financing subdivision improvements. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

ACCEPT STREETS  
IN SHADY ACRES  
SUBDIVISION

RES. NO. 3238

City Manager Graves reported that subdivision improvements in the Shady Acres Subdivision had been completed in accordance with plans and specifications and it was now in order to accept the streets therein for inclusion in the City street system. On motion of Councilman Brown, Culbertson second, the City Council adopted Resolution No. 3238 accepting the streets in Shady Acres Subdivision as public streets.

COUNTY PURCHASE  
1969 GASOLINE,  
OILS  
AND GREASES

The City Manager explained that the Finance Director had investigated the benefits gained from purchasing the City's gasoline requirements through the County's contract. In the past, the City has received bids and awarded its own contract. By purchasing through the County contract it is anticipated several hundred dollars could be saved. Mr. Graves recommended the purchase be made through the County. Councilman Kirsten moved the purchase of the City's 1969 supply of gasoline, oils and greases be made through San Joaquin County's contract. The motion was seconded by Councilman Schaffer. Under the question, Councilman Culbertson asked how the purchase would affect local distributors. The City Manager felt, since the oil companies bid directly, it would have no effect on the local distributors. After further discussion, Mr. Graves said that Finance Director Fred Wilson was expected at the meeting shortly and the matter could then be discussed with him. With the consent of Councilmen Kirsten and Schaffer the motion and second were withdrawn, and the Council agreed to continue the discussion of the matter later in the meeting.

UNIFORM BLDG.,  
PLUMBING, &  
MECHANICAL  
CODES, 1967 ED.

The City Manager read a memorandum recommending adoption of the 1967 Edition of the Uniform Building, Plumbing and Mechanical Codes to bring the present requirements up to date. The City is presently using the 1964 Edition of the Uniform Building and Plumbing Codes. The Uniform Mechanical Code is a new code which will require a new permit for residential construction and a fee of approximately \$5.

On motion of Councilman Brown, Culbertson second, the Council set the matter for public hearing on January 15, 1969.

Councilman Culbertson requested the City Manager to determine how fees are established for the construction permits and to report back to the Council his findings.

Minutes December 18, 1968 continued

LAKE PARK  
BEACH PLANS  
APPROVED

City Manager Graves requested Parks and Recreation Director Ed DeBenedetti to present the plans for the Lake Park beach area expansion which total \$87,500. After reviewing the plans with Mr. DeBenedetti, the Council on motion of Councilman Kirsten, Schaffer approved the proposal as presented for the Lake Park beach expansion by unanimous vote.

POLICE  
AUXILIARY

Mayor Hunnell praised the Auxiliary Police Officers, stating they do a tremendous amount of work each year and he felt they should receive some compensation for their efforts. He requested the City Manager to study the matter and to report back to the Council.

ORDINANCES

REZONE AREAS  
6 AND 7

ORD. NO. 875  
ADOPTED

ORDINANCE NO. 875, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PARCELS ZONED R-1, R-3 AND R-4 DISTRICTS TO R-MD AND R-HD DISTRICTS IN AREAS DESIGNATED 6 AND 7," having been introduced at the meeting of December 4, 1968, was brought up for passage on motion of Councilman Brown, Kirsten second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, KIRSTEN, SCHAFER and HUNNELL

Noes: Councilmen - None

Absent: Councilmen - None

CLOSE PORTION  
WEST WALNUT ST.

ORD. NO. 876  
ADOPTED

ORDINANCE NO. 876, entitled "AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF LODI BY ADDING THERETO SECTION 14-17.2 PROHIBITING TRAFFIC ON A PORTION OF WEST WALNUT STREET DURING CERTAIN HOURS AND ON CERTAIN DAYS," having been introduced at the meeting of December 4, 1968, was brought up for passage on motion of Councilman Kirsten, Schaffer second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, KIRSTEN, SCHAFER and HUNNELL

Noes: Councilmen - None

Absent: Councilmen - None

COUNTY  
PURCHASE 1969  
GASOLINE, OILS  
& GREASES - cont.

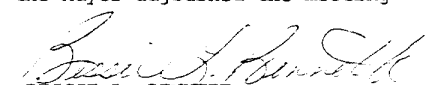
Since Finance Director Fred Wilson had not arrived, Councilman Kirsten felt the Council should accept the City Manager's recommendation and moved the Manager be authorized to purchase the 1969 supply of gasolines, oils and greases through the County contract if he finds there is no serious opposition from the local distributors. The motion was seconded by Councilman Schaffer and carried with Councilman Brown voting no.

CONGRESS  
OF CITIES  
REPORT

Councilman Brown commented that while attending the Annual Congress of Cities in New Orleans, the Council had an opportunity to distribute literature regarding the grape boycott and he commended the Council for their efforts in the project.

ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 10:00 p.m.

Attest:   
BESSIE L. BENNETT  
City Clerk